S.B. CIVIL WRIT PETITION NO.1799/2003
Smt. Jamna Bai & Ors. vs. Smt. Pawan & anr.

Date : 14.2.2005

HON'BLE MR. PRAKASH TATIA, J.

Mr. P.S. Bhati, for the petitioner.

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Heard learned counsel for the petitioner.

Brief facts of the case, according to the petitioners, are that the petitioners submitted claim petition before Motor Accident Claims Tribunal, Udaipur (for short "Tribunal") which was registered as MACT Claim Case No.18/2003. The respondent no.1 Smt. Pawan also preferred a claim petition before the Tribunal which was registered as MACT Claim Case No.191/2003. On 25.3.2003, both the claim petitions were consolidated and with the consent of both the parties including the petitioners and respondent no.1, the Tribunal passed an award of Rs.2,40,000/-. Both the parties specifically submitted before the Tribunal that half of amount be awarded to respondent no.1 – who is wife of deceased Champa Lal and half of amount may be given to the mother and brothers of the deceased.

Learned counsel for the petitioners vehemently submitted that the respondent no.1 was never the wife of the deceased who died in the accident. According to learned counsel for the petitioners, when the respondent no.1 was not the heir or successor of the deceased, she could not

have been awarded any amount of compensation by the Tribunal.

I have considered the submissions of learned counsel for the petitioner.

The petitioners themselves agreed for consolidation of two cases and specifically admitted that Smt. Pawan is wife of the deceased and half of the amount may be awarded to her and thereafter, preferred this writ petition to challenge the fact which has been recorded by the Tribunal on the basis of admission of the petitioners.

In view of the above facts only, the writ petition deserves to be dismissed as the petitioners cannot be permitted to resile from their admission. Therefore, the contention of the petitioners that since the respondent no.1 was not the wife of the deceased victim, therefore, no award could have been granted by the Tribunal, cannot be accepted.

Accordingly, this writ petition having no force, is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya